IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4311 of 2006()

CRA.199/2002 of SESSIONS COURT, THALASSERY
CC.733/1998 of JUDL.MAGISTRATE OF FIRST CLASS COURT, MATTANNUR

REVN. PETITIONER: APPELLANT: ACCUSED:

P.RAGHUNATH, S/O.THARAL NANU,
PARAPPURATH HOUSE, KEEZHALLUR AMSOM,
ELAMPARA DESOM, P.O.ELAMPARA.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS: RESPONDENTS:COMPLAINANT & STATE:
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1. P.V.RAMESH BABU, S/O.BALAN NAMBIAR,
   PUTHIYA VEEDU, ILLAM MOOLA, P.O.MATTANNUR.

2. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 4311 OF 2006

Dated this the 5th day of December,2006

O R D E R

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.5,000/- and in default of payment of fine, to undergo simple imprisonment for one month. The petitioner challenged the conviction and sentence in appeal. The Appellate Court confirmed the conviction, but modified and reduced the sentence to imprisonment till the rising of the Court. The sentence to pay fine was altered and the petitioner was directed to pay an amount of Rs.40,000/- as compensation under Section 357(3) of the Code of Criminal Procedure and in default of payment of compensation, to undergo simple imprisonment for one month.

2. Learned counsel for the petitioner submits that the petitioner is prepared to pay the compensation amount and that a reasonable time may be granted to him to pay the amount.

In the result, the Criminal Revision Petition is dismissed and the conviction and sentence as imposed by the Appellate Court are confirmed. However, three months' time is granted to the petitioner to pay the compensation amount. The default sentence shall be kept in abeyance for a period of three months.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

CRL.M.APPL.NO. 12223 OF 2006

Dated this the 5th day of December,2006

O R D E R

This is an application to condone the delay of four days in filing the Revision. Normally, notice should go to the first respondent before condoning the delay. However, since the learned counsel for the petitioner submitted that the petitioner confines his prayer for the grant of a reasonable time to pay the compensation amount, I do not think it is necessary to issue notice to the first respondent either in the application for condonation of delay or in the Criminal Revision Petition. Heard the learned Public Prosecutor. The delay is condoned. Number the Crl.R.P.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRL.M.C.NO. OF

O R D E R

September, 2006